

Notice of Allowability

Application No.

10/529,614

Examiner

Daniel P. Stephenson

Applicant(s)

PURCELL, JOSEPH

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 3/30/05.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/04/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Kusner on 3/14/07.

The application has been amended as follows:

In the specification:

On page 6 line 21, the terms "C-C" have been changed to --II-II--.

On page 6 line 24, the terms "B-B" have been changed to --I-I--.

On page 6 line 27, the terms "D-D" have been changed to --III-III--.

On page 6 line 30, the terms "E-E" have been changed to --IV-IV--.

On page 7 line 2, the terms "F-F" have been changed to --V-V--.

The first sentence of the abstract, "A down-hole hammer is described. It comprises", has been changed to --A downhole hammer comprising--.

In the claims:

On line 1 of claim 2, the terms, "A tool" have been changed to --The tool--.

On line 1 of claim 3, the terms, "A tool" have been changed to --The tool--.

On line 1 of claim 4, the terms, "A tool" have been changed to --The tool--.

On line 1 of claim 5, the terms, "A tool" have been changed to --The tool--.

On line 1 of claim 6, the terms, "A tool" have been changed to --The tool--.

On line 1 of claim 8, the terms, "A tool" have been changed to --The tool--.

On line 1 of claim 10, the terms, "A tool" have been changed to --The tool--.

On line 1 of claim 11, the terms, "A tool" have been changed to --The tool--.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: the cross hatching in all of the Figures needs to be altered to match MPEP guidelines. In addition, the cross-sectional notations (B-B, C-C, D-D, E-E, F-F) need to be changed to Roman numerals (I-I, II-II, III-III, IV-IV, V-V). In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: Curington (US 3,606,930) discloses a down-hole drilling hammer with an internal sleeve that is threaded to the distributor. Lyon et al. (US 6,799,641) discloses a percussive drill with an inner sleeve, where the inner sleeve has an inwardly facing abutment. The inner sleeve is not clamped between other members retaining it however. None of the prior art of record alone or in combination discloses a down-hole hammer in which there is an internal sleeve within an outer housing, where the internal sleeve is clamped between a distributor member and a locking member as claimed in the combination of the present invention.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Bagnell
Supervisory Patent Examiner
Art Unit 3672

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